

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

WELL-COM ASSOCIATES, L.P.,

Plaintiff,

vs.

HONEYWELL INTERNATIONAL, INC.,

Defendant.

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Docket No. 05-10056-JLT

ASSENTED TO MOTION TO FILE SUPPLEMENTAL AFFIDAVITS

Plaintiff, Well-Com Associates, L.P. (“Well-Com”) hereby moves, pursuant to Fed. R. Civ. P. 56(e), to file two new affidavits:¹ (1) Supplemental Affidavit of John M. Pereira, and (2) Supplemental Affidavit of Robert J. Ankstitus. As grounds therefore, Well-Com states as follows:

1. The Supplemental Affidavit of Robert J. Ankstitus provides additional information with regard to the Phase I Initial Site Investigation; the Phase II Site Assessment; the Phase III Remedial Action Alternatives Report; and the Phase IV Remedy Implementation Plan, and attaches copies of these reports as exhibits.

2. The Supplemental Affidavit of John M. Pereira provides more specific information regarding the total amount of money that Well-Com has paid to Rizzo Associates, Inc. (“Rizzo”), from 1999 through January 2006, for services in connection with the Site, and attaches copies of Rizzo’s invoices as exhibits.

¹ The original affidavits of John M. Pereira and Robert J. Ankstitus were filed with this court on February 14, 2006, in connection with Well-Com’s Cross-Motion for Partial Summary Judgment.

3. Pursuant to Local Rule 7.1, counsel for the Plaintiff, Well-Com, and counsel for the Defendant, Honeywell, have conferred regarding this motion, and Honeywell has assented to this motion.

WHEREFORE, the Plaintiff, Well-Com Associates, L.P., respectfully requests that the court permit it to file a Supplemental Affidavit of Robert J. Ankstitus, and a Supplemental Affidavit of John M. Pereira.

Respectfully submitted,

Well-Com Associates, L.P.
By its attorneys,

/s/ A. Neil Hartzell
A. Neil Hartzell (BBO # 544752)
Patricia B. Gary (BBO #554731)
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Dated March 31, 2006

CERTIFICATE OF SERVICE

I, Patricia B. Gary, hereby certify that on this 31st day of March, 2006, a copy of the foregoing was served on the attorney for the defendant by electronic means pursuant to Local Rule 5.2(b).

/s/Patricia B. Gary
Patricia B. Gary